

AGING, DEPARTMENT ON[17]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code sections 231.23 and 17A.3, the Iowa Department on Aging hereby amends Chapter 5, "Department Fiscal Policy," Iowa Administrative Code.

The amendment to rule 17—5.6(231) is necessary to implement the provisions of pending appropriations legislation and to create an equitable funding formula that continues to give priority to older Iowans who are aged 75 and older, reside in rural areas, are racial minorities, or have an income level at or below the official poverty guidelines.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are impracticable and contrary to public interest because of the immediate need to implement a funding formula that will continue to give priority to older Iowans most in need of aging services.

The Department further finds that the normal effective date of this amendment should be waived and this amendment should be made effective upon filing. The Department's finding is based upon the fact that the amendment will confer a benefit upon specific segments of the population. Specifically, the amendment will allow for the continuance of aging services, funded on a priority basis, to older Iowans who are aged 75 and older, reside in rural areas, are racial minorities, or have an income level at or below the official poverty guidelines. If this amendment were not provided on an emergency basis, services to these portions of the aging population would be affected and thereby could result in imminent peril to public health, safety, and welfare. Therefore, the amendment is filed pursuant to Iowa Code section 17A.5(2)"b"(2) and (3).

The Department adopted this amendment on June 7, 2011.

This amendment is also published herein under Notice of Intended Action as **ARC 9576B** to allow public comment.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement pending appropriations legislation.

This amendment became effective on June 7, 2011.

The following amendment is adopted.

Amend rule 17—5.6(231) as follows:

17—5.6(231) State ~~appropriations and case management~~ allotments.

5.6(1) ~~Elderly services~~ Aging programs. All state ~~elderly services~~ aging program funds appropriated to the department, excluding those otherwise specifically identified in the appropriation, shall be allocated to AAA ~~on the basis of persons aged 60 and older and minority persons aged 60 and older and double-weighted for persons aged 60 and older at or below the poverty level of income in the AAA planning and service area.~~ Elderly services funds set aside for the case management program for the frail elderly shall be allocated on the basis of a \$45,000 block grant per AAA with the balance of funds allocated on the AAA's proportion of persons aged 60 and older. each AAA by utilizing a formula that:

a. Shall triple-weight all of the following:

(1) Individuals aged 75 and older.

(2) Individuals aged 60 and older who are members of a racial minority.

(3) Individuals aged 60 and older who reside in rural areas.

(4) Individuals aged 60 and older who have incomes at or below the official poverty guideline as defined each year by the federal Office of Management and Budget and adjusted by the Secretary of the U.S. Department of Health and Human Services.

b. Shall single-weight for individuals aged 60 and older.

The department shall use the best available population data based on United States census reports to calculate allotments under this subrule.

5.6(2) ~~Senior living program.~~ ~~The department shall allocate funds received from the senior living trust established in Iowa Code section 249H.4 to each AAA by utilizing, at a minimum, a formula that:~~

~~a. Shall triple weight all of the following:~~

- ~~(1) Individuals aged 75 and older.~~
- ~~(2) Individuals aged 60 and older who are members of a racial minority.~~
- ~~(3) Individuals aged 60 and older who reside in rural areas.~~
- ~~(4) Individuals aged 60 and older who have incomes at or below the official poverty guideline as defined each year by the federal Office of Management and Budget and adjusted by the Secretary of the U.S. Department of Health and Human Services.~~

~~b. Shall single weight for individuals aged 60 and older.~~

~~The department shall use the best available population data based on United States census reports to calculate allotments under this subrule.~~

[Filed Emergency 6/7/11, effective 6/7/11]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/29/11.